

## REMARKS

This is in response to the office action dated July 28, 2004. Reconsideration and allowance of this application is respectfully requested in light of the following amendments and remarks.

The specification was objected to due to two typographical errors, e.g. page 10, line 16 and page 18, line 12. Appropriate correction has been made. Applicant respectfully requests notice to that effect.

Claims 5 and 28 were objected to due to the use of the trademark HYTREL. HYTREL is a thermoplastic polyester film. Such generic language was substituted for the trademark. Applicant respectfully requests acceptance of the change.

Claim 24 recited the limitation of "the protective case which was stated to lack antecedent basis. Claim 24 such that the limitation reads "a protective case", thus setting forth antecedent basis. Applicant respectfully requests notice to that effect.

Claim 33 recited the limitation "said inorganic polymer thickening agent," which was stated to lack antecedent basis. The limitation was changed to "said thickening agent," which finds antecedent basis in claim 24 from which 33 ultimately depends. Applicant respectfully requests notice to that effect.

The Examiner renumbered the claims due to two claim 37s being present. The second claim 37 was renumbered as 38 and all following claims were also numbered. Applicant appreciates the Examiner's change and has duly noted the change in his records.

Claim 42 was objected to as the word "roup" should be "group". Applicant has appropriately amended claim 42 and respectfully requests notice to that effect.

Claim 47 was objected to as the word "propionate" should read "benzoate." Applicant herewith submits such change and respectfully requests approval thereof.

#### Art rejections

Claims 1, 7-15, 18, 20-26, 29-31, and 36-37 were rejected in view of Saari under various laws including 35 U.S.C. §§101, 102 and 103. Claims 2-6, 16-17, 19, 27-28, 32-35, and 38-47 were objected to as being dependant upon a rejected base claim, but would be allowable is rewritten in independent form. Applicant has moved the allowable subject matter from such allowable claims to the independent claims, thereby overcoming the rejections to the rejected claims regardless of the legal theory.

Therefore, applicant below identifies the source of the changes:

Claim 1 - The amendment adds the overlapping ranges found in claims 2-4.

Claim 14 - The amendment adds the combined ranges found in claims 16 and 17.

Claims 23, 24, and 36 - These have been amended to include broader variants of the language found in claim 39 and narrower than that found in rejected claim 37 (Saari and DeDuca et al.). Particularly the percent concentration was placed in the independent claims and was not taught by the references used to reject claim 37 as acknowledged by the indication of allowability of claim 39. Claim 37 was cancelled due to its

incorporation into claim 36 and the dependancies of all claims depending from 37 have been changed to claim 36.

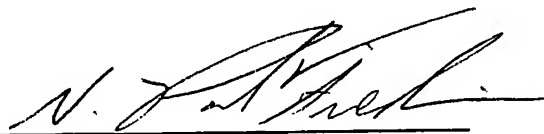
For these reasons, Applicant believes all objections and rejections have been overcome. Applicant respectfully requests notice to that effect.

### CONCLUSION

It is respectfully submitted that, with the present amendments to the claims, oath and drawings, and in light of the above remarks, all of the presently pending claims should be seen to be fully supported by the present specification and to define an invention patentable over all of the art of record, whether taken separately or in any combination. The prompt issuance of a formal Notice of Allowance is seen to be in order and is solicited to be forthcoming.

Should the Examiner be of the opinion that any minor matters remain to be settled prior to the issuance of a Notice of Allowance, a telephone call to the undersigned attorney of record is respectfully invited to assure prompt resolution thereof. Counsel may be reached at: **(763) 560-0294**

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Applicant: Al Saari, et al.  
Title: HYDRATION POUCH FOR  
FOOD PRODUCTS  
Serial No.: 10/068783  
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